

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
23-00033-02,04-CR-W-SRB

WILMER ANTONY MENDOZA PEREZ, et. al.,

Defendants.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGES: Count One (Both Defendants) – Conspiracy to Distribute Cocaine, *in violation of* 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846;

Count Two (Both Defendants) – Possession of Cocaine with Intent to Distribute, *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); and

Count Three (Defendant Nieto-Acosta) – Possession of Firearms in Furtherance of a Drug Trafficking Crime, *in violation of* 18 U.S.C. § 924(c)(1)(A)(i).

TRIAL COUNSEL:

Government: Robert Smith and John Constance
Case Agent: DEA Task Force Officer Martin Dye
Defendant Nieto-Acosta: Jane Francis
Defendant Anguiano-Viera: Matthew Merryman; Nicholas Bates will assist

OUTSTANDING MOTIONS:

Defendant Nieto-Acosta's Motion in Limine (Doc. 76)

Defendant Nieto-Acosta's Motion in Limine to Exclude Late Discovery (Doc. 98), *with* Government's Suggestions in Opposition (Doc. 103)

Defendant Anguiano-Viera's Motion in Limine (Doc. 91), *with* Government's Suggestions in Opposition (Doc. 105) *and* Defendant's Reply (Doc. 108)

ANTICIPATED MOTIONS: Both defendants anticipate filing additional motions.

TRIAL WITNESSES:

Government: 6-8 with or without stipulations

Defendant Nieto-Acosta: 1 witness, including Defendant who may testify

Defendant Anguiana-Viera: 3 witnesses, including Defendant who will likely testify

TRIAL EXHIBITS:

Government: < 100 exhibits

Defendant Nieto-Acosta: no additional exhibits

Defendant Anguiana-Viera: 6-10 additional exhibits

DEFENSES:

Defendant Nieto-Acosta:

☒ defense of general denial

☐ defenses of general denial and _____

Defendant Anguiana-Viera:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

Defendant Nieto-Acosta:

☐ Definitely for trial

☐ Possibly for trial

☒ Motion to continue to be filed

☐ Likely a plea will be worked out

Defendant Anguiana-Viera:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

TRIAL TIME: 4-5 days

Government's case including jury selection: 2-3 days

Defendant Nieto-Acosta: ½ day

Defendant Anguiana-Viera: 1 day

STIPULATIONS:

Defendant Nieto-Acosta:

☐ not likely

☐ not appropriate

☒ likely as to:

☐ chain of custody

☒ chemist's reports

☐ prior felony conviction

☐ interstate nexus of firearm

☐ other: _____

Defendant Anguiana-Viera:

- ☐ not likely
- ☐ not appropriate
- ☒ likely as to:
 - ☐ chain of custody
 - ☒ chemist's reports
 - ☐ prior felony conviction
 - ☐ interstate nexus of firearm
 - ☐ other: _____

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:

Government: December 22, 2023

Defense: December 22, 2023

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: December 22, 2023

Jury instructions must comply with Local Rule 51.1

Motions in Limine: December 22, 2023

TRIAL SETTING: Criminal jury trial docket commencing January 8, 2024

Please note: *Government counsel has another case on the January docket: USA v. Arlando T. Young, 22-00157-01-CR-W-RK.*

OTHER:

- ☒ A Spanish-speaking interpreter is required. Additionally, the Government will provide an interpreter for any witness(es) requiring same.
- ☐ Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge